APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER
JAKOVAC, RYAN J

ART UNIT	PAPER NUMBER
2445	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/644,532	FALLOWS ET AL.
		Examiner	Art Unit	
		RYAN J. JAKOVAC	2445	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06/02/2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a

general allegation that the claims define a patentable invention without specifically pointing out

how the language of the claims patentably distinguishes them from the references. Applicant's

Remarks of 06/02/2009 (hereinafter Remarks) state:

> *"Both Mullen and Kakivaya fail to disclose at least "identifying, automatically by*
>
> *a first device of said plurality of diagnostic medical imaging devices, a second device of*
>
> *said plurality of diagnostic medical imaging devices available for communication via*
>
> *said network based on an unsolicited identification message received by the first device*
>
> *from the second device; configuring, automatically, said first device to communicate*
>
> *substantially directly with said second device via said network when said first device is*
>
> *not already configured to communicate with said second device" as claimed in claim 1;*
>
> *"identification logic operative to periodically identify, via said network, said first*
>
> *diagnostic medical imaging device to other diagnostic medical imaging devices coupled*
>
> *with said network and receive a response therefrom, said identification logic being*
>
> *further operative to recognize other diagnostic medical imaging devices which identify*
>
> *themselves to said first diagnostic medical imaging device; configuration logic coupled*
>
> *with said identification logic and operative to automatically configure said first*
>
> *diagnostic medical imaging device to communicate with said other diagnostic medical*
>
> *imaging devices which at least one of respond and identify themselves when said first*
>
> *diagnostic medical imaging device is not already configured to communicate with said*

other diagnostic medical imaging devices which at least one of respond and identify

themselves" as claimed in claim 7; "each of said plurality of diagnostic medical imaging

devices being operative to automatically discover at least one other of said plurality of

diagnostic medical imaging devices via said network based on unsolicited identification

messages received over said network from the at least one other of said plurality of

diagnostic medical imaging devices, automatically configure itself to communicate with

any of the discovered at least one other of said plurality of diagnostic medical imaging

devices, and facilitate communications therebetween" as claimed in claim 12; or

"wherein each of said plurality of diagnostic medical imaging devices comprises means

for automatically discovering at least one other of said plurality of diagnostic medical

imaging devices via said network based on unsolicited identification messages received

over said network from the at least one other of said plurality of diagnostic medical

imaging devices, automatically configuring itself to communicate with any of the

discovered at least one other of said plurality of diagnostic medical imaging devices, and

facilitating communications therebetween" as claimed in claim 16."

2.   In light of the above summary of claims, Applicant's further remarks describing both

Mullen and Kakivaya cannot be considered "specifically pointing out how the language of the

claims patentably distinguishes them from the references."

3.   Applicant has amended independent claims 1, 12, and 16 to recite that a first device

automatically identifies a second device "based on an unsolicited identification message received

by the first device from the second device" and argues in summary that the combination of

Mullen and Kakivaya does not disclose this limitation. However, Kakivaya discloses this

limitation in at least paragraph [0005] and [0040-0042]. Kakivaya discloses a system where a

query is sent to a server in order to establish communications. Here, the server (i.e. the 'first

device' of the claims) receives the unsolicited message from the network device (i.e. the 'second

device' of the claims). The first device identifies the second device and responds in kind,

establishing communications. Additional portions of relevance may be found the disclosure of

Kakivaya in at least paragraphs [0003-0007], [0010-0015], [0026-0028], [0035], and figure 1.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if
> the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would
> have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-14, 16 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

2003/0140141 to Mullen et al (hereinafter Mullen) in view of US 2004/0267876 to Kakivaya et

al (hereinafter Kakivaya).

        Regarding claim 1, 7, 12, Mullen teaches a method for communicating among a plurality

of diagnostic medical imaging devices coupled with a network, said method comprising:

        identifying, automatically by a first device of said plurality of diagnostic medical imaging

devices (Mullen, paragraph [0043], central service facility receives data from a plurality of

devices on the network. Data is transmitted from the central service facility to the devices.

Information identifying particular devices is sent from the devices to the central service station

where it is stored.), a second device of said plurality of diagnostic medical imaging devices

available for communication via said network (Mullen, fig. 2.).

Mullen does not expressly disclose the identification being based on an unsolicited

message received by the first device from the second device. However, Kakivaya discloses

automatically identifying by a first device of a plurality of devices, a second device available for

communication based on an unsolicited message received by the first device from the second

device (Kakivaya, [0005] and [0040-0042].);

Kakivaya teaches configuring, automatically, said first device to communicate

substantially directly with said second device via said network when said first device is not

already configured to communicate with said second device (Kakivaya, [0003], various

discovery protocols allow devices to discover other devices. [0005-0007], discovery of network

devices through TCP/IP or multicast IP. See fig. 1 and [0026-0028], discovery protocol used to

discovery devices in a network consisting of a plurality of devices. [0035] discovery of devices

and communication over the network. See also [0010-0015].); and

Mullen teaches facilitating substantially direct communication of data between said first

and second devices (Mullen, [0043]. See also Kakivaya, [0040-0042].).

Therefore it would have been obvious to one of ordinary skill in the art at the time of

invention to combine configuring, automatically, said first device to communicate substantially

directly with said second device via said network when said first device is not already configured

to communicate with said second device and based on an unsolicited message received by the

first device from the second device as taught by Kakivaya with the method of Mullen in order to

enable a device to discover other devices and services on managed and unmanaged networks

(Kakivaya, [0003].).

Regarding claim 2, the combination of Mullen and Kakivaya teaches the method of claim

1, wherein said identifying further comprises:

receiving, by said first device, a first identification message periodically transmitted by

said second device to all of said plurality of diagnostic medical imaging devices (Mullen,

paragraph [0043], computer coordinates data exchange between devices and workstations.);

transmitting a reply, by said first device, to said second device in response to said first

identification message (Mullen, paragraph [0043], exchange of messages between devices and

central service facility.);

receiving, by said first device, a second identification message transmitted by said second

device to said first device in response to said reply; and

transmitting a confirmation, by said first device, to said second device in response to said

second identification message (Mullen, paragraph [0045], transmission of data from devices after

authentication by central service station.).

Regarding claim 3, the combination of Mullen and Kakivaya teaches the method of claim

2, further comprising: configuring said second device to communicate substantially directly with

said first device in response to said confirmation (Mullen, paragraph [0043] transmission of data

from devices to central service station. Also, paragraph [0045], transmission of data from devices

after authentication by central service station.).

Regarding claim 4, the combination of Mullen and Kakivaya teaches the method of claim 1, wherein said configuring further comprises: appending a representation of said second device to a list of representations of devices available for communication maintained on said first device (Mullen, paragraph [0043], computer coordinate data exchange between devices and workstations. Also, service history of devices is maintained.).

Regarding claim 5, the combination of Mullen and Kakivaya teaches the method of claim 1, wherein said facilitating further comprises: receiving a request from a user of said first device to send data from said first device to said second device (Mullen, paragraph [0044], data collection request from workstation to device.); transmitting said data from said first device to said second device (Mullen, paragraph [0044], data collection request sent from workstation to device.).

Regarding claim 6, the combination of Mullen and Kakivaya teaches the method of claim 1, wherein said facilitating further comprises: receiving a request from a user of said first device to send data from said second device to said first device (Mullen, paragraph [0044], data collection request sent from workstation to device.); transmitting a request for said data to said second device (Mullen, paragraph [0044], data collection request sent from workstation to device.); and receiving said data in response to said request (Mullen, paragraph [0044], collected data transmitted to web server.).

Regarding claim 8, 13, the combination of Mullen and Kakivaya teaches the communications interface of claim 7, wherein said identification logic is further operative to periodically broadcast an identification message to said other diagnostic medical imaging devices (Mullen, paragraph [0044], data collection request sent from workstation to device.), said identification message operative to solicit responses from said other diagnostic medical imaging devices (Mullen, paragraph [0044], data collection request sent from workstation to device.), wherein upon receipt of a solicited response from a one of said other diagnostic medical imaging devices, said identification logic is further operative to transmit a confirmation request to said one of said other diagnostic medical imaging device (Mullen, paragraph [0045], software is downloaded.), and wherein said configuration logic is further operative to configure said first diagnostic medical imaging device based on receipt of a response to said confirmation request (Mullen, paragraph [0044], data collected and transmitted from devices. Data is complied into a service history.).

Regarding claim 9, the combination of Mullen and Kakivaya teaches the communications interface of claim 7, wherein said identification logic is further operative to receive an unsolicited identification message from one of said other diagnostic medical imaging devices, said identification logic being operative to transmit a reply message to a sender of said unsolicited identification message and transmit a confirmation message to said sender in response to receipt of a confirmation request (Mullen, paragraph [0043], transmission of data to database and subsequent access of data.).

Regarding claim 10, the combination of Mullen and Kakivaya teaches the communications interface of claim 7, wherein said communication logic is further operative to receive a selection from a user of data and one of said other diagnostic medical imaging devices, said communication logic being operative to transmit said data from said first diagnostic medical imaging device to said one of said other diagnostic medical imaging devices (Mullen, paragraph [0043], transmission of data to database and subsequent access of data.).

Regarding claim 11, the combination of Mullen and Kakivaya teaches the communications interface of claim 7, wherein said communications logic is further operative to receive a selection from a user of one of said other diagnostic medical imaging devices, said communications logic being further operative to request that said one of said other diagnostic medical imaging devices identify data stored therein in response to said selection, and wherein a representation of said identified data is provided to said user, said communication logic being further operative to receive a selection from said user of data from said identified data and, in response to said selection, transmit a request for said data to said one of said other diagnostic medical imaging device (Mullen, paragraph [0043], transmission of data to database and subsequent access of data.).

Regarding claim 14, the combination of Mullen and Kakivaya teaches the communications architecture of claim 12, wherein said plurality of diagnostic medical imaging devices include at least one device selected from the group comprising: diagnostic a medical image acquisition system, a diagnostic medical imaging reviewing workstation, a diagnostic

medical imaging server, and a diagnostic medical patient monitor (Mullen, Fig. 3, central

workstation (i.e. a diagnostic medical imaging reviewing workstation), computer (i.e. diagnostic

medical imaging server), scanner (i.e. diagnostic a medical image acquisition system)).

Regarding claim 16, the combination of Mullen and Kakivaya teaches a communications

architecture comprising: a plurality of diagnostic medical imaging devices; networking means

for interconnecting each of said plurality of diagnostic medical imaging devices (Mullen, Fig. 3,

[0043].); and wherein each of said plurality of diagnostic medical imaging devices comprises

means for automatically discovering at least one other of said plurality of diagnostic medical

imaging devices via said network based on an unsolicited message received by the first device

from the second device, automatically configuring itself to communicate with any of the

discovered at least one other of said plurality of diagnostic medical imaging devices and

facilitating communications therebetween (Kakivaya, [0003-0005], various discovery protocols

allow devices to discover other devices. [0005-0007], discovery of network devices through

TCP/IP or multicast IP. See fig. 1 and [0026-0028], discovery protocol used to discovery devices

in a network consisting of a plurality of devices. [0035] discovery of devices and communication

over the network. See also [0010-0015].).

5.   Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Mullen in view of

Kakivaya and further in view of Official Notice.

Regarding claim 15, the combination of Mullen and Kakivaya teaches the communications architecture of claim 12, wherein said network comprises at least one of a wired (Mullen, Fig. 3, [0043].) and wireless network. The combination of Mullen and Kakivaya does not expressly disclose a wireless network, however, Official Notice is taken that the use of a wireless network in communications architecture is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a wireless network into the communications architecture to utilize the well known advantages of wireless networking.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Jakovac/

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445